

No More Blank-Check Wars

By Leslie H. Gelb and Anne-Marie Slaughter
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Most wars overflow with mistakes and surprises. Still, in Iraq, much that has gone wrong could have been foreseen -- and was. For example, most experts knew that 100,000 U.S. troops couldn't begin to provide essential security and that Iraqi oil revenue wouldn't dent war costs. But none of this was nailed down beforehand in any disciplined review.

And Iraq, whether justified or not, is only the latest in a long line of ill-considered and ill-planned U.S. military adventures. Time and again in recent decades the United States has made military commitments after little real debate, with hazy goals and no appetite for the inevitable setbacks. John F. Kennedy and Lyndon Johnson plunged us into the Vietnam War with little sense of the region's history or culture. Ronald Reagan dispatched Marines to Lebanon, saying that stability there was a "vital interest," only to yank them out 16 months later after a deadly terrorist attack on Marine barracks. Bill Clinton, having inherited a mission in Somalia to feed the starving, ended up hunting tribal leaders and trying to build a nation.

Too often our leaders have entered wars with unclear and unfixed aims, tossing away American lives, power and credibility before figuring out what they were doing and what could be done. Congress saw the problem after the Vietnam War and tried to fix it with the War Powers Act. It states that troops sent into combat by the president must be withdrawn within 60 days unless Congress approves an extension. But presidents from Richard Nixon on never recognized the validity of this legislation against their powers as commander in chief. Nor did Congress ever assert its rights and take political responsibility. Since the Korean War, the process has consisted at most of a presidential request for a congressional resolution, a few serious speeches and authorization for the president to do whatever he wants. Odds are against changing these "political realities." But impaled as we are on the costs and carelessness of so many of our recent wars, it is worth trying to find a better way.

As often happens, an answer can be found with the Founding Fathers and the Constitution. They could not have foreseen the present age of nuclear missiles and cataclysmic terrorism. But they understood political accountability, and they knew that sending Americans to war required careful reflection and vigorous debate. Their answer survives in Article 1, Section 8, of the Constitution, which gives Congress -- and only Congress -- the power to declare war. That power, exercised only a few times in our history, and not at all since World War II, needs to be reestablished and reinforced by new legislation. This legislation would fix guidelines for exercising the provision jointly between the White House and Congress. It would restore the Framers' intent by requiring a congressional declaration of war in advance of any

commitment of troops that promises sustained combat.

Requiring Congress to declare war, rather than just approve or authorize the president's decision to take troops into combat, would make it much harder for Congress to duck its responsibilities. The president would be required to give Congress an analysis of the threat, specific war aims with their rationale and feasibility, general strategy and potential costs. Congress would hold hearings, examine the information and conclude with a full floor debate and solemn vote.

In case of a sudden attack on the United States or Americans abroad, the president would retain his power to repel that attack and strike back without a congressional declaration. But any sustained operations would trigger the declaration process. In other words, the president could send troops into Afghanistan to hunt down al Qaeda and punish the Taliban in response to the Sept. 11 attacks. But if he planned to keep the troops there to topple the government and transform the country, he would need a congressional declaration. Without one, funding would be restricted to bringing the troops home soon and safely.

This declaration process should appeal to conservatives and even neocons. It meets their valid concern that the United States often loses diplomatic showdowns and wars not on the battlefield but at home. It adds credibility to presidential threats and staying power to our military commitments. Binding Congress far more closely to war, for instance, might have convinced Saddam Hussein of Washington's resolve to fight him in both gulf wars; today it would help convince insurgents in Iraq of America's long-term commitment to make Iraq secure. Liberals and moderates, always rightly complaining about a rush to war, would welcome the restored declaration. Not least, the attractiveness of this approach would be aided by the political power of the Constitution itself.

Nor would the process proposed here diminish a president's leadership or stature as commander in chief as he makes his case to Congress. If, even with these advantages, his arguments fail, then the case cannot be very compelling.

Today Congress deliberates on transportation bills more carefully than it does on war resolutions. Our Founding Fathers wanted the declaration of war to concentrate minds. Returning to the Constitution's text and making it work through legislation requiring joint deliberate action may be the only way to give the decision to make war the care it deserves.

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